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## Title IV-D Child Support Enforcement Actions

### Sec. 52-362d-1. Definitions

As used in sections 52-362d-1 through 52-362d-5, inclusive:

(1) “Defense” means any reason in law or fact offered by the obligor to alter or prevent the enforcement action proposed by the department. Such defenses include, but are not limited to, the following:

(A) the person identified as a child support obligor is a case of mistaken identity,

(B) the amount of past-due or overdue support is less than the minimum amount required for the proposed enforcement action, and

(C) there is no support order in effect, and there never was.

(2) “Delinquency” means the total of all payments on current and past-due support orders which have become due and payable and remain unpaid.

(3) “Enforcement action” means any of the methods regulated by sections 52-362d-1 through 52-362d-5, inclusive, and 52-362e-1 through 52-362e-3, inclusive, of the Regulations of Connecticut State Agencies to encourage or compel the payment of support in a IV-D case.

(4) “Fair hearing” means the adjudicative proceeding conducted by the department in accordance with section 17b-60 of the Connecticut General Statutes.

(5) “Notice of action” means a written statement mailed to the obligor that informs the obligor of the nature of the enforcement action, the right to a prehearing review and a fair hearing, the method and timeframes for requesting such review or hearing, and a list of available defenses to such enforcement action.

(6) “Obligor” means the individual required to make payments under a current or past-due support order who may be subject to an enforcement action.

(7) “Past-due support” shall have the meaning given to it under section 52-362j of the Connecticut General Statutes.

(8) “Prehearing review” means an informal hearing or investigation conducted by SED. Such review shall be conducted at the request of an obligor who has been mailed a notice of action to determine the appropriateness of an enforcement action.

(Effective November 28, 1994; amended June 8, 1998, July 10, 2000, May 24, 2004)

### Sec. 52-362d-2. Child support liens

#### (a) When appropriate

A lien on the real or personal property of an obligor to enforce payment of past-due support may be secured in any IV-D case provided:

(1) the total amount of such past-due support is at least \$500.00 on any one or a combination of IV-D accounts in a case for which the obligor is responsible;

(2) a notice of action is mailed to the obligor prior to securing the lien;

(3) the obligor is given an opportunity for a fair hearing prior to securing the lien; and

(4) in the case of personal property, the value of the obligor’s interest in the property is at least \$1,000.00.

#### (b) Procedure

##### (1) Notice of action

When a case that may be appropriate for placement of a lien is identified by the department, a notice of action shall be mailed to the obligor by the department.

##### (2) Prehearing review

The lien shall not be secured if the results of a prehearing review indicate that the case is not appropriate for placement of a lien.

##### (3) Fair hearing

If a fair hearing is not requested, the lien may be secured no earlier than sixty days after the mailing date of the notice of action. If a fair hearing is requested, the lien shall not be secured unless the fair hearing is denied or dismissed, or a decision which upholds the lien is rendered.

(4) Securing

(A) Real property

To secure a lien on real property, the IV-D agency shall file a certificate of lien in the records of the town or towns in which the property is located.

(B) Personal property

To secure a lien on personal property, the IV-D agency shall follow the procedures contained in the General Statutes applicable to the type of property to be secured.

(5) Release

The IV-D agency shall prepare and mail to the obligor a release of lien when the obligor's past-due support debt is settled to the satisfaction of such agency.

(Effective November 28, 1994; amended June 8, 1998)

### **Sec. 52-362d-3. Reporting overdue support to consumer reporting agency**

(a) **Definitions**

As used in this section:

(1) "CRA" means consumer reporting agency (commonly known as "credit bureau"); a private company which collects, classifies, and distributes information to merchants, lending institutions, collection agencies, or public agencies involved in granting credit or collecting on an account.

(2) "Overdue support" shall have the meaning given to it under section 52-362j of the Connecticut General Statutes.

(3) "Participating" means, with respect to a CRA, one which has consented in writing to the procedures established by the department for the reporting of overdue support in accordance with subsection (b) of section 52-362d of the Connecticut General Statutes, and agreed to receive and act on such information in compliance with all applicable laws and regulations of the state of Connecticut.

(b) **Submittal criteria**

(1) In general

Submittal to a participating CRA of information regarding the amount of overdue support owed by an obligor in a IV-D case is appropriate provided:

(A) the total amount of overdue support is at least \$1,000.00 in such case,

(B) a notice of action is mailed to the obligor prior to reporting any information to a CRA, and

(C) the obligor is given an opportunity for a fair hearing prior to reporting any information to a CRA.

(2) Exception

Notwithstanding subdivision (1) of this subsection, overdue support information shall not be reported under this section if a court or family support magistrate makes a specific finding that such information shall not be reported.

(c) **Procedure**

(1) List of obligors

On a monthly basis, the department shall compile a list of all obligors who owe overdue support of at least \$1,000.00 on any one case.

(2) Notice of action

The department shall mail to each obligor identified in accordance with subdivision (1), above, whose information has not already been reported to a CRA, a notice of action which complies with the provisions of subsection (b) of section 52-362d of

the Connecticut General Statutes, provided the obligor has not previously received a notice of action concerning the proposed reporting.

(3) Prehearing review

Information shall not be reported to a CRA if the results of a prehearing review indicate that the case is not appropriate for such action.

(4) Fair hearing

If a fair hearing is not requested, information shall be reported no earlier than sixty days after the mailing date of the notice of action. If a fair hearing is requested, information shall not be reported unless the fair hearing is denied or dismissed, or a decision which upholds the proposed reporting is rendered.

(5) Reporting

(A) Initial submittal

The department shall report to any participating CRA in accordance with the provisions of a signed letter of agreement information regarding past-due and overdue support owed by obligors whose cases meet the submittal criteria identified in subsection (a) of this section.

(B) Monthly update

On a monthly basis, the department shall provide to each CRA that received an initial submittal updated information concerning each reported obligor.

(C) Confidentiality

No identifying information concerning the family to whom or for whom support is owed shall be reported to any CRA.

(6) Information verification

(A) CRA requests

BCSE central office staff shall receive and respond within five working days to requests from CRAs for verification of information supplied to such CRAs.

(B) Obligor requests

The local BCSE or SED office shall receive and respond within five working days to requests from obligors for verification of information supplied to a CRA. Such offices shall also provide, at the obligor's request and upon satisfactory verification, a statement that such obligor is no longer in arrears.

(Effective November 28, 1994; amended June 8, 1998, July 10, 2000)

## **Sec. 52-362d-4. Withholding of lottery winnings**

(a) **Definitions**

As used in this section:

(1) "Connecticut Lottery Corporation" means the entity created under Section 12-802 of the Connecticut General Statutes for the purposes set forth in Sections 12-563a and 12-800 to 12-818, inclusive, of the Connecticut General Statutes.

(2) "Lottery" means any lottery game conducted by the Connecticut Lottery Corporation pursuant to the powers enumerated in Section 12-806 of the Connecticut General Statutes.

(b) **When appropriate**

Withholding of an obligor's lottery winnings for unpaid child support is appropriate in any IV-D case provided the obligor is notified of the withholding and is given an opportunity for a fair hearing to contest the amount of such withholding.

(c) **Procedure**

(1) Request for withholding

When a case that is appropriate for the withholding of lottery winnings is identified by the department, the commissioner shall request the Connecticut Lottery Corporation to withhold from the obligor's lottery winnings the amount of the obligor's

unpaid child support. Such request shall provide instructions for payment of any amounts so withheld.

(2) Notification

The department shall notify the obligor of the request for withholding. The notice shall inform the obligor of the amount of unpaid child support, the right to a fair hearing to contest such amount, the method and timeframe for requesting such a hearing, and defenses to such withholding.

(3) Fair hearing

If a fair hearing is requested, withheld amounts shall not be applied to the obligor's unpaid child support obligations unless the fair hearing is denied or dismissed, or a decision which upholds the withholding is rendered.

(4) Application of withheld amounts

Subject to subdivision (3), above, all withheld amounts shall be applied to the obligor's unpaid child support obligations, provided that non-assistance obligations are satisfied from such amounts prior to the satisfaction of any amounts due the state.

(5) Annual update

Where winnings are withheld annually pursuant to a request in accordance with this section, the commissioner shall notify the Connecticut Lottery Corporation prior to the annual payment date of any reduction in the child support debt attributable to collections obtained in any manner other than the withholding of lottery winnings.

(Effective November 28, 1994; amended June 8, 1998)

**Sec. 52-362d-5. Seizure of financial assets**

(a) **Notice of action**

The IV-D agency shall mail a notice of action to the obligor whenever it notifies an agency, person, institution, or entity, pursuant to subsection (d) of section 52-362d of the Connecticut General Statutes, that such obligor owes overdue support in a IV-D support case.

(b) **Right to a fair hearing**

The department shall provide a fair hearing to any obligor who requests one in accordance with section 17b-60 of the Connecticut General Statutes in response to a notice of action under subsection (a) of this section.

(Effective June 8, 1998)